REMARKS

The Office Action dated August 11, 2003 has been reviewed and carefully considered. Claims 1-17 remain pending in the application, of which the independent claims are 1, 2, 8 and 13. Claims 1 and 17 have been amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

The abstract was objected to for its length, lack of proper language and its use of implied terms. Appropriate correction has been made, and is believed to overcome the basis for objection.

The specification and claims were objected to for informalities that have now been corrected.

Claims 1-17 stand rejected under 35 U.S.C. 103(a) as unpatentable over International Patent Application Publication No. WO 98/56179 to Eskicioglu et al. ("Eskicioglu") in view of OpenCable POD Copy Protection System (IS-POD-CP-WD02-991027) (hereinafter "IS-POD-CP") and ITU-T Recommendation H.222.0 (hereinafter "ITU-T").

As to claim 1, item 9 of the Office Action acknowledges that Eskicioglu and ITU-T, alone or in combination, fail to disclose, feature or suggest "the reply message including at least one control information pair, relating to the information, each control information pair having copy control information. He [Eskicioglu as modified by ITU-T] also does not teach a point of deployment module."

Item 9 cites IS-POD-CP as compensating for the shortcomings of Eskicioglu and ITU-T, however IS-POD-CP is not prior art as to the claims in the instant patent application.

As set forth at lines 4-9 on page 10 of the instant specification, IS-POD-CP has a publication date of October 27, 1999 for purposes of 35 U.S.C. 102(a), whereas the preliminary amendment filed in the U.S. Patent Office on May 17, 2000 includes a claim for priority claiming back to the filing date of the U.S. provisional application 60/143,501, namely July 9, 1999. Accordingly, IS-POD-CP fails to pre-date the effective filing date of the instant application, and is therefore not prior art with respect to the claims of the instant application. The cited combination of references thus fails to render obvious the invention as recited in claim 1 for at least this reason. Reconsideration and withdrawal of the rejection is respectfully requested.

As to claims 2, 8 and 13, item 9 of the Office Action likewise acknowledges that Eskicioglu/ITU-T fails to disclose, feature or suggest "the reply message including at least one control information pair, relating to the information, each control information pair having copy control information." Accordingly, claims 2, 8 and 13 are deemed non-obvious over the cited references for at least the same reason as that asserted for claim 1.

The remaining claims each depend from one of the base claims and are likewise deemed non-obvious over the cited references for at least the same reason as that asserted for the respective base claim.

For all the foregoing reasons, it is respectfully submitted that all the

present claims are patentable in view of the cited references. A Notice of Allowance is

respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079

Date: _11/12/07_

By: _Steve Cha_
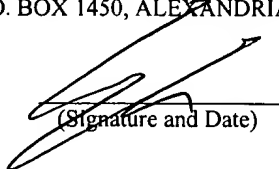Attorney for Applicant
Registration No. 44,069

Mail all correspondence to:
Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

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